

Remarks

Applicant respectfully requests reconsideration of this application as amended herein.

Claims 1-8 have been allowed. Claims 15-17 have been rejected as indefinite. Claims 12 and 14-17 have been rejected as anticipated by Ruiz. Claim 18 has been rejected as obvious over the combination of Ruiz and Holden.

The amendment to claim 15 corrects the lack of antecedent fault in claim 15. This should resolve the indefiniteness rejection of claim 15-17.

Claims 12 and 14-17, rejected under 35 USC 102 as anticipated by Ruiz, are method claims directed at a method of releasably securing an article to a supporting surface against vertical or lateral movement with respect to the supporting surface. The article is inserted into a space between four mounts that are attached to the supporting surface, with four corners of the article captured between inwardly diverging surfaces of an angled recess in an upstanding base of each mount to prevent lateral movement of the article relative to the supporting surface. The inwardly diverging surfaces of the angled recesses each diverge about a central axis of said base extending between said bottom surface and a top cap atop each of said mounts to embrace vertical corners of said article.

After the article is fully inserted between the four mounts, a top cap on each of the mounts is rotated from an open position to a closed position over the article to capture the article between the top cap and the supporting surface to prevent vertical movement of said article away from said supporting surface.

The resistance of a detent that releasably holds the top cap in its closed position is overcome, and the top cap of each mount is rotated from its closed position to its open position away from the article to clear the angled portion and allow lifting of the article from between the four mounts. The article is then lifted from between the four mounts and away from the supporting surface to release the article from the supporting surface.

Ruiz discloses a device for holding a circular glass cover 4 on a light fitting. As shown in Fig. 1 and described in col 1, lines 36-57, it has three columns 2, arranged equidistant from each other around the periphery of a flat circular fitting plate 1 which is attached to a wall. Each column is attached to the fitting plate 1 by screws, shown in Fig. 2. Two of the columns have a sideward opening slot 3 facing radially inwardly for

receiving the edge of the glass cover 4. The third column 2, shown in Figs. 3 and 4, has a head plate 5 that can be turned to open the slot 3 for insertion of the glass cover 4, and then turned back to hold the cover in place. He does not disclose corners of the article captured between inwardly diverging surfaces of an angled recess in an upstanding base of each said mount to prevent lateral movement of said article relative to said supporting surface, wherein the inwardly diverging surfaces of the angled recesses each diverge about a central axis of the base extending between the bottom surface and a top cap atop each of the bases to embrace upright corners of the article, as now claimed in claim 12.

Ruiz discloses three, not four columns as claimed in claim 12. He discloses a movable head plate on one, not four columns as claimed in claim 12. His recess does not diverge about an axis that extends between the top cap and bottom surface of the base. The article is inserted by rotating only one cap to open the space. The cap is closed without overcoming the resistance of a detent that Ruiz does not have. The spring-loaded ball 9 is not a detent; it is merely "elastic means to accommodate for the thickness of the glass and therefore provide a fastening without gaps". Col 1, lines 18-20. The rotating top plate of Ruiz does not lock in any position. It swivels freely to any position to which it is moved. The function of a detent is to hold the top cap in a fixed position until the resistance of the detent is overcome. Thus, there are multiple substantial differences between the Ruiz disclosure and claim 12, the parent claim of claims 14-17, so Ruiz does not anticipate these claims.

Claim 14 specifies that the operation of the detent is by compressing a spring 13 when pivoting the top cap 2 to allow the top cap 2 to lift slightly away from the upstanding base 1 so the top cap 2 may be rotated to its open position to allow the article to be lifted out for quick and easy removal. Ruiz has a spring-loaded ball 8, 9 to engage the underside of the glass 4 to snugly hold the edge of the glass within the respective groove. Ruiz does not disclose compressing a spring when pivoting the top cap to allow the top cap to lift slightly away from the upstanding base. He does show a spring 7 around a shaft 6 to hold the top plate downwardly into contact with the support part 10, but the top plate does not lift away from the support part 10 when the top plate is rotated, as Applicant's top cap does. Indeed, Ruiz does not disclose a detent of any kind. Applicant believes that the function of the spring 7 and the shaft 6, the function of which is described in Col. 2, lines 1-5, is entirely different from the claimed method

steps and do not fall within the scope of claim 14. There is no vertical movement of the top cap contemplated by Ruiz in his description of the function of the spring 7 and shaft 6. The function is strictly to engage the underside of the glass 4 to snugly hold the edge of the glass in place in the groove. Hence, claim 14 should be patentable over Ruiz.

The rejection of claims 18 under 35 USC 103(a) as unpatentable over Ruiz in view of Holden assumes the anticipation of all elements of claim 12, other than the elastomeric material such as polyurethane on the inwardly diverging surfaces of the angled recess in the upstanding base to improve the grip of the surfaces on the article and to serve to dampen and isolate vibration between the article and the supporting surface. As noted above, Ruiz discloses three, not four columns; he discloses a movable head plate on one, not four columns; his recess does not diverge about an axis that extends between the top cap and bottom surface of the base. His glass disc is inserted by rotating only one cap to open the space, not caps on all four columns (only three of which exist in Ruiz.) His cap is closed without overcoming the resistance of a detent that Ruiz does not have. (The spring-loaded ball 9 is not a detent; it is merely "elastic means to accommodate for the thickness of the glass and therefore provide a fastening without gaps". Col 1, lines 18-20) Since Ruiz lacks these elements in his disclosure, and since Holden discloses nothing remotely like Applicant's disclosure, the combination does not supply the deficiency and the claim would not have been obvious to a person of ordinary skill in the art, and even if these references were combined, the combination would not have produced an article that would fall within the scope of the rejected claims.


The Examiner assumes that it would be obvious to a person of ordinary skill in the art to combine these two references "for the purpose of improving the grip between the article and surfaces" Applicant respectfully disagrees that providing polyurethane on the inward surfaces of Ruiz would have been obvious in view of Holden. Ruiz does not need polyurethane on its inward surfaces. He does not indicate that he has a problem with inadequate grip. He has a spring loaded ball 9 to maintain snugness between the glass disc and the inner surface of this cap 5. Ruiz is not an ultrasonic device where firm contact between the transducer and the surface is important. The Examiner is importing an irrelevant function into a device that has no need whatsoever for that function to show obviousness. This is not how those skilled in the art work. A person skilled in the art of ultrasonics could well be interested in Holden's disclosure,

but it would be of no interest to a person working in the art of devices for holding instruments in a case or a base of some sort. This is a classic case on non-analogous art. Those skill in the art do not make random combinations of elements available in the prior art merely because it might be possible to make the combination. They make changes in existing articles to offer an improvement in function or cost (preferably both) that will motivate people to buy the new product. The changes proposed by the Examiner do not improve the function of the device and it increases the cost. Therefore, there is nothing in the disclosure of these two references that would induce a person of ordinary skill in the art to attempt to produce a new lighting fixture with a glass cover holding device that would utilize the combination of the two structures as postulated by the Examiner, and even if such as combination were obvious, it still would not meet the limitations of claim 18, dependent on claim 12. .

Thus, Applicant believes that the claims now pending in this Application all distinguish patentably over the cited references, singly or in combination. Applicant respectfully solicits the Examiner's reconsideration of the claims and If, in his independent judgment, considers the claims to be patentable as Applicant firmly believes, to pass this Application to issue.

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Respectfully submitted,


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